

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Patrick Yu	Team: Squad #3	CCRB Case #: 201804493	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 04/25/2018 8:40 PM	Location of Incident: § 87(2)(b)	Precinct: 111	18 Mo. SOL 10/25/2019	EO SOL 10/25/2019	
Date/Time CV Reported Tue, 06/05/2018 1:47 PM	CV Reported At: Mayor's Office	How CV Reported: Mail	Date/Time Received at CCRB Tue, 06/05/2018 1:47 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. SGT Byung Cho	1430	945584	111 PCT
2. POM Mateusz Baranowski	20527	958287	111 PCT
3. POM Nicholas Basilone	22978	938035	111 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POF Celenia Gravagna	25686	948192	111 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT Byung Cho	Abuse: Sergeant Byung Cho threatened to arrest § 87(2)(b)	§ 87(2)(b)
B.SGT Byung Cho	Abuse: Sergeant Byung Cho threatened to remove § 87(2)(b) to the hospital	§ 87(2)(b)
C.POM Mateusz Baranowski	Discourtesy: Police Officer Mateusz Baranowski spoke discourteously to § 87(2)(b)	§ 87(2)(b)
§ 87(4-b), § 87(2)(g)	§ 87(4-b), § 87(2)(g)	§ 87(2)(b)

Case Summary

On June 5, 2018, § 87(2)(b) filed this complaint with the CCRB via mail. The case was reassigned to SI Patrick Yu on August 20, 2018.

On April 25, 2018, at approximately 8:40 p.m., Sgt. Byung Cho informed § 87(2)(b) that she would be arrested in front of § 87(2)(b), in Queens (**Allegation A: Abuse of Authority**, § 87(2)(g)). During their conversation, Sgt. Cho threatened to remove § 87(2)(b) to the hospital (**Allegation B: Abuse of Authority**, § 87(2)(g)).

At approximately 10:19 p.m., PO Mateusz Baranowski arrived at the location, told § 87(2)(b) not to call again, and said, “Fuck” (**Allegation C: Discourtesy**, § 87(2)(g)).

§ 87(4-b), § 87(2)(g)

§ 87(2)(b) provided a video recording capturing her interaction with Sgt. Cho (Board Review 02). The summary of the video could be found in Board Review 15.

Findings and Recommendations

Allegation (A) Abuse of Authority: Sergeant Byung Cho threatened to arrest § 87(2)(b)

It is undisputed that Sgt. Cho informed § 87(2)(b) that she would be arrested if she attempted to break into the location or tamper with the locks.

In her CCRB statement, § 87(2)(b) stated that when she returned to her residence at § 87(2)(b), in Queens, she found that the original locks on her door had been replaced with a padlock (Board Review 01). § 87(2)(b) called 911 and the officers informed her that the house had been purchased by three individuals five days ago. § 87(2)(b) showed the officers her lease, recent bills, and various documents that showed that she lived at the address. When Sgt. Cho arrived, § 87(2)(b) attempted to show Sgt. Cho the lease and her bills, but Sgt. Cho told her that the other officers had already looked at the documents.

In a phone statement, the new homebuyer of the residence, § 87(2)(b) stated that he was not aware if § 87(2)(b) was involved in any legal proceedings or if § 87(2)(b) was given an eviction notice prior to April 25, 2018 because he had purchased the residence from the bank. § 87(2)(b) stated that during the incident he showed the officers a deed for the residence (Board Review 16).

During their CCRB interviews, Sgt. Cho, PO Baranowski, and PO Basilone stated that § 87(2)(b) never provided any documentation that she lived at the location, but the other party produced paperwork showing that they had bought the house from the bank (Board Review 03-05). Sgt. Cho stated that § 87(2)(b) produced a document that noted that there was a lease of approximately 13 years, but he determined that it was not an official document and he did not know how she got the document. § 87(2)(b) also did not provide identification to the officers. Sgt. Cho told § 87(2)(b) that if she was to break or tamper with the lock or if she broke into the property, she would be committing a crime and would be placed under arrest and charged with criminal trespassing.



201804493_20180619_1856B_DM (1).mp4

Sgt. Cho informs § 87(2)(b) that she did not own the property and that the other three individuals had documents proving that they owned the property. Sgt. Cho subsequently tells § 87(2)(b) "Now if you try to gain access, you'll be placed under arrest."



201804493_20180619_1856B_DM (2).mp4

Sgt. Cho informs a male that if § 87(2)(b) tries to gain access to the property she would be committing the offense of criminal trespass or burglary depending on how far she gets. Sgt. Cho then says, "Once we leave here, and these owners stay here, you're trying to break in, or change the locks whatsoever, she's breaking the law that she has no right to do and she will be placed under arrest immediately."



201804493_20180619_1856B_DM (3).mp4

Sgt. Cho tells § 87(2)(b) "You try to tamper, break in, change the locks, anything with this residence that's foreclosed that got purchased by those three individuals as of April 20, 2018, again, I'll explain, you will be placed under arrest because you have no legal right to do any of that stuff."

A DMV search to confirm § 87(2)(b)'s address listed in the DMV database yielded negative results when searched by § 87(2)(b)'s full name and zip code of the incident location (Board Review 14).

During the investigation, calls to Queens Housing Court were unanswered and thus, the investigation was unable to establish whether § 87(2)(b) was involved in any legal proceedings regarding the residence prior to this incident.

§ 87(2)(g)



Allegation (B) Abuse of Authority: Sergeant Byung Cho threatened to remove § 87(2)(b) to the hospital.

It is undisputed that Sgt. Cho threatened to remove § 87(2)(b) to the hospital more than once throughout the interaction.



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Sgt. Cho tells § 87(2)(b) that she is very loud and that she is disturbing the peace. Sgt. Cho then says, "Now if you have mental and psychological issues, I'll be glad to give you medical assistance and psychological assistance and send you to the hospital with an ambulance. If that's what you want, ok? So if you can't control your tone or your temper and have a conversation I will proceed to request medical attention for you, ok?"



201804493_20180619_1856B_DM (5).mp4

Sgt. Cho tells § 87(2)(b) to watch her tone and then he says, "You're keep getting loud? You need medical attention and psychological attention. So watch your tone."



201804493_20180619_1856B_DM (6).mp4

Sgt. Cho tells § 87(2)(b) "If you can't control your tone, that means you have no control over your own emotions, alright? Which means you seek medical attention, is that what you're telling me? Ok."

During his CCRB interview, Sgt. Cho stated that if § 87(2)(b) was unable to display "cool and collect[ed]" behavior after he had made numerous requests for her to calm down, then he would consider that § 87(2)(b) was not able to maintain a normal state of mind, and that he would provide medical treatment for her if that was the case (Board Review 03). Sergeant Cho explained that the officers had repeatedly requested that § 87(2)(b) calm down, she did not provide any evidence to support her claims, and she had requested the assistance of law enforcement. When asked if he believed that § 87(2)(b) was a threat to herself or others, Sergeant Cho responded, "Potentially," and explained that this was because § 87(2)(b) had disregarded the officers' professional requests to lower her tone and maintain the peace of the neighborhood, § 87(2)(b) was recording, getting loud, and repeating herself. Sgt. Cho stated that there was nothing beyond § 87(2)(b)'s tone that caused him to believe that she might need medical attention.

In his CCRB statement, PO Baranowski stated that Sgt. Cho asked § 87(2)(b) if she needed medical attention because § 87(2)(b) was not listening to them (Board Review 05). § 87(2)(b) ignored Sgt. Cho's request and threw a tantrum in response. PO Baranowski did not recall what § 87(2)(b) specifically said, but she possibly said something to the effect of someone breaking into her house. § 87(2)(b) was not at risk of harming herself or others, but PO Baranowski stated she could possibly have been hit by a car if she continued going onto the street.

§ 87(2)(g)
[REDACTED]
[REDACTED]
[REDACTED].

§ 87(4-b), § 87(2)(g)
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) [REDACTED] has been a party (Board Review 13).
- Sgt. Cho has been a member of service for 10 years and has been a subject in one other CCRB complaint and two allegations, none of which were substantiated. § 87(2)(g) [REDACTED].
- PO Baranowski has been a member of service for three years and has been a subject in one other CCRB complaint and one allegation, which was not substantiated. § 87(2)(g) [REDACTED].
- PO Basilone has been a member of service for 13 years and has been a subject in two CCRB complaints and two allegations, none of which were substantiated. § 87(2)(g) [REDACTED].

Mediation, Civil and Criminal Histories

- § 87(2)(b) [REDACTED] decline to mediate this complaint.
- As of September 24, 2018, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this complaint (Board Review 11).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)] [REDACTED]
[REDACTED]

Squad No.: _____

Investigator:	_____	_____	_____
	Signature	Print Title & Name	Date

Squad Leader:	_____	_____	_____
	Signature	Print Title & Name	Date

Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date